

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,)	
)	
v.)	1:14-cr-306-GBL-6
)	
OMAR DE JESUS CASTILLO,)	
Defendant.)	
_____)	

MOTION TO COMPEL GOVERNMENT WITNESS LIST

COMES NOW your defendant OMAR DE JESUS CASTILLO, by counsel, and moves this Honorable Court to compel the Government to produce a list of witnesses that it intends to call in its case-in-chief, and in support thereof, states as follows:

1. Trial in this matter began four days ago on March 21, 2016.
2. The Court initially estimated that the case would take six weeks, however there is a strong chance that the case will exceed the Court's estimate. For example, the Court initially estimated that jury selection would take three days, but it now appears that it will take almost twice as long.
3. Defense counsel¹ has requested that the Government produce, formally or informally, a list of witnesses that it intends to call in its case-in-chief. The Government has not yet stated whether it would or would not provide such a list.
4. Defense counsel requested an exhibit list so that they may be better prepared to conduct cross-examination in a timely fashion, and better prepared to present the defense case in an organized manner.

¹ Amy Austin, counsel for Alvin Gaitan Benitez, contacted counsel for the Government by email with this request. Ms. Austin made this request for the benefit and on behalf of all defendants in this case.

5. Providing a witness list to defense counsel will encourage judicial economy and efficiency, as defense counsel will be able to plan for cross-examination of the witnesses and organize the presentation of their defense case. The Court will also have a better idea of the length of the case for the purposes of docket management.
6. If the Government does not provide a list of its witnesses, then the defense may take longer to conduct any cross-examination and may require additional time for their case presentation than they otherwise would.
7. Because the trial has already commenced, and the Government will begin calling its witnesses in just a few days, there will be no undue prejudice to the Government.
8. Mr. Castillo does not object to the witness list being provided informally, such as by letter, as opposed to being filed in open court. Mr. Castillo also does not object to a restriction that prohibits counsel from giving a copy of the list to their clients until after trial, as long as counsel may review the contents of the list with their clients for the purposes of preparation.

WHEREFORE Mr. Castillo requests this Honorable Court to direct the Government to provide defense counsel a list of the witnesses that it intends to call in its case-in-chief.

Dated: March 25, 2016

Respectfully Submitted,
OMAR DE JESUS CASTILLO
By Counsel

/s/ Meredith M. Ralls

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Counsel for Defendant Omar Dejesus Castillo

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2016 the foregoing Motion was electronically filed with the Clerk of Court's CM/ECF system, which then generates a Notice of Electronic Filing (NEF) to all counsel of record in this matter.

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